

Chapter 37 SPECIAL TREES

3700 SPECIAL TREE REMOVAL PERMIT

3700.1 No person or non-governmental entity shall remove a Special Tree, other than a Hazardous Tree, without a Special Tree Removal Permit issued by the Urban Forestry Administration, as provided in the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code 8-6501.01 *et seq.*) (“the act”).

3700.2 Any person removing a Hazardous Tree without a Special Tree Removal Permit shall submit to the Urban Forestry Administration, within 15 business days after removal, a certification by an International Society of Arboriculture certified arborist that the tree was a Hazardous Tree.

3701 PERMIT APPLICATION PROCEDURES FOR REMOVAL OF SPECIAL TREES

3701.1 A permit application shall be signed by the property owner or representative of the property owner, and submitted on the form provided by the Urban Forestry Administration. The application must be submitted at least fifteen (15) business days prior to the day tree removal is desired.

3701.2 As part of the application, the applicant must agree to permit an Arborist from the Urban Forestry Administration to inspect the site of the proposed removal. The inspection shall occur during the Administration’s normal business hours and prior to permit issuance.

3701.3 If an International Society of Arboriculture certified arborist or an Urban Forestry Administration arborist determines that the tree to be removed is a Hazardous Tree or is a species that has been identified under § 3701.6 as appropriate for removal, a Special Tree Removal Permit shall be issued.

3701.4 If the applicant elects to have the species or Hazardous Tree determination made by an Urban Forestry Administration arborist and the UFA arborist fails to make a determination within forty (40) days after the application is accepted, the tree will be deemed Hazardous or otherwise appropriate for removal.

3701.5 If an International Society of Arboriculture certified arborist or an Urban Forestry Administration arborist determines (or is deemed to have determined) that the tree to be removed is not a Hazardous Tree and is not

a species identified under § 3701.7 as appropriate for removal, or if the applicant stipulates as to both on the permit application, no Special Tree Removal Permit may be issued until the Applicant:

- (a) Pays into the Tree Fund a tree replacement fee equivalent to thirty-five dollars (\$35) per inch of circumference of each special tree that is to be removed;
- (b) Avers on its Special Tree removal application to plant, on the same lot and in accordance with § 3702, a quantity of saplings whose aggregated circumference equals or exceeds the circumference of the Special Tree(s) to be removed; or
- (c) A combination of a) and b) so as to account for the circumference of the tree(s) removed.

3701.6 The Special Tree Removal Permit shall be valid for one hundred eighty (180) calendar days after its issuance.

3701.7 Tree species appropriate for removal are:

- (a) *Ailanthus altissima* (common name-Ailanthus);
- (b) *Morus* species (common name-Mulberry); and
- (c) *Acer platanoides* (common name-Norway maple).

3702 PERMIT CONDITIONS FOR TREE REPLACEMENT

3702.1 A Special Tree Removal Permit issued to a Permittee electing to plant replacement trees pursuant to § 3701.4 (b) shall contains the following conditions:

- (a) Replacement trees shall, when planted, have a minimum caliper size of two (2) inches;
- (b) The replacement trees shall be properly planted according to ISA standards;
- (c) The replacement trees shall be planted only during the planting season (October 15 to May 1), except that planting must be completed no later than seven (7) months after tree removal, unless construction activity makes tree replacement infeasible, in which case planting shall be completed no later than seven (7) months after construction is finished;

- (d) Replacement trees shall not be of a species listed in § 3701.7.
- (e) For a twelve month period after planting, the permittee shall water, mulch, and, when appropriate, remove from the tree any tree protection stakes and guy wires;
- (f) Not later than thirty (30) days after the replacement trees are planted, the permittee shall mail or hand deliver to the Urban Forestry Administration a certification, signed by the applicant, attesting to the successful planting of the replacement trees; and
- (g) The permittee shall grant an inspector of the Urban Forestry Administration reasonable access to the property that is the subject of the Special Tree Removal Permit for twelve months after planting.

3703 ENFORCEMENT AND ADJUDICATION

3703.1 Notices of Infractions for violations of the act, this chapter, or any condition of a Special Tree Removal Permit shall be issued, answered and adjudicated pursuant to the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.06 *et seq.*) and the provisions of Chapter 31 of Title 16 of the District of Columbia Municipal Regulations.

3703.2 Where this chapter conflicts with other laws, the more restrictive shall apply with the exception of removal of a Hazardous Tree.

3704 SCHEDULE OF FINES

3704.1 Any person who violates any provision of the act, this chapter, or any condition of a Special Tree Removal Permit shall be subject to a civil infraction fine of \$100 per inch of circumference of the tree or trees in question.

3705 PUBLIC UTILITIES

3705.1 Public utility companies regulated by the Public Service Commission may remove Special Trees in connection with utility construction, line maintenance, and emergency work within the District's right-of-way without a Special Tree Removal Permit. Such companies shall comply with the notice requirement set forth in section 105 (b) of the act, D.C. Official Code § 6-651-05 (b) and shall comply with ANSI(a)(300) standards.

3799.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed below:

Caliper – the diameter (width) of the trunk of a tree when measured at a height of six inches above the ground/soil.

Circumference – the linear distance around the trunk of a tree when measured at a height of 4 ½ feet above the ground.

District's right-of-way – all the publicly owned property between the property line on a street, park, or other public property as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking between such property lines.

Hazardous Tree – a special tree that should be removed because it is:

- (a) Structurally defective, diseased, dying, or dead;
- (b) Posing a high risk of failure or fracture with the potential to cause injury to people or damage to property: or
- (c) Causing damage to property or structures that cannot be mitigated in any manner other than removal of the tree.

ISA Certified Arborist - an arborist certified by the International Society of Arboriculture.

Person or non-governmental entity - any individual, corporation, firm, agency, association, organization, or utility company.

Remove- cutting down, topping, girdling, breaking, or destroying a Special Tree.

Special Tree – a tree within the District of Columbia that has a minimum circumference of 55 inches at 4 ½ feet above the ground.

Tree Fund – the fund established under section 107 of the Urban Forest Preservation Act of 2002, effective June 12, 2003 (D.C. Law 14-309; D.C. Official Code 8-6501.07).